

## **REMARKS/ARGUMENTS**

### **Priority**

The office noted that no certified copy of the priority document was filed. The applicant submits a certified copy of EP 02076494.0 under separate cover.

### **35 USC § 112 second paragraph**

**Claims 10, 11, and 15** were rejected under 35 USC § 112, 2<sup>nd</sup> as being indefinite for lack of clear definition of the terms "high-risk", "low risk", and "remaining". The Applicant agrees in some respect and disagrees in others. Nevertheless, claims 10 and 15 were amended by removing the objected terms, while claim 11 was canceled. The rejection should therefore be overcome. Furthermore, the applicant amended the specification to remove the word "check" as pointed out by the examiner.

### **35 USC § 103**

**Claims 1, 3, and 10-11** were rejected under 35 USC § 103 as being obvious over Manos (U.S. Pat. No. 5,182,377) in view of several Genbank entries. The Applicant again respectfully disagrees, however, amended the claims to now recite specific sequences. The amended claims now conform to the claims deemed allowable, and the rejection should therefore be overcome.

### **Allowable Subject Matter**

The examiner deemed **claims 2, 4, 12-13** as being allowable if rewritten in dependent form on the base claim, and further allowed **claims 14, and 16-17**. The applicant agrees and amended the claims accordingly. Claim 1 was amended to incorporate all elements of allowable claim 2, and reference to claim 2 was deleted from claim 4.

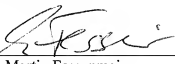
**REQUEST FOR ALLOWANCE**

The applicant believes that the present claim amendments are sufficient to overcome the Examiner's concerns and believes that the claims as amended are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
Fish & Associates, PC

Date: 11/25/08

By

  
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